

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 606 - SB 652

February 26, 2021

SUMMARY OF BILL: Requires a person convicted of vehicular homicide that was a proximate result of the person's intoxication to serve 100 percent of a sentence imposed less sentence credits not to exceed 15 percent.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$2,902,900 Incarceration*

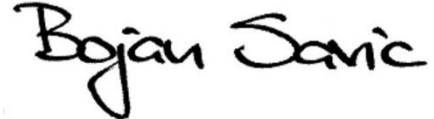
Assumptions:

- Based on information provided by the Department of Correction (DOC), there has been an average of 37.4 Class B felony admissions for vehicular homicide by intoxication each year over the past five years.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.80 percent per year for each of the past 10 years (from 2009 to 2019), yielding a projected compound population growth rate of 8.3 percent. Assuming Tennessee's population continues growing by the same rates over the next 10-year period, population growth will account for 3.1 (37.4 x 8.3%) additional admissions for a total of 41 (37.4 + 3.1).
- According to the DOC, 46.28 percent of offenders will re-offend within three years of their release. A recidivism discount of 46.28 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under the proposed legislation (41 offenders x 46.28% = 19 offenders).
- According to the DOC, the average operating cost per offender per day for calendar year 2021 is \$80.46.
- The average sentence length for vehicular homicide by intoxication is 10.25 years and the average time served is 4.22 years.
- The proposed legislation will result in each admission serving an additional 4.49 years $\{[10.25 \times (100\% - 15\%)] - 4.22\}$.
- Pursuant to Tenn. Code Ann. § 9-4-210, 22 (41 – 19 recidivism discount) offenders will be admitted every year serving 1,639.97 additional days (4.49 x 365.25). The annualized increase in state incarceration expenditures is estimated to be \$2,902,944 (\$80.46 x 1,639.97 x 22).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Bojan Savic". The signature is written in a cursive, slightly slanted style.

Bojan Savic, Interim Executive Director

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